

**MARKED-UP VERSION OF THE AMENDED CLAIMS***(Version with markings to show changes made)*

15. Vertical suitcase of essentially parallelepipedal shape without rigid frame having faces consisting of supple material, wherein the rigidification of the suitcase is achieved by two tubes joining a lower surface part and an upper surface part supporting the aforesaid supple material, said tubes consisting of guides for the rods of a retractable handle provided in the upper part, said tubes being adjacent to a rear face opposite a front face [able to be opened or provided with] having an opening covered by a flap or panel, a closing means for opening the flap or panel, the upper and lower parts being in the form of a molded piece [or a plate] or sheet of plastic of [incurvated] curved form defining at least the upper and lower rounded arrises of the rear face of the suitcase, the lateral faces being each made of a supple material and being hooped by a retaining elastic ring.
16. Suitcase according to claim [1] 15 in wherein the plastic is a semirigid plastic.

17. Suitcase according to claim [1] 15 wherein the upper and lower surface parts constitute the separate elements forming upper shell and lower shell.
18. Suitcase according to claim [1] 15 wherein the upper and lower surface parts are integrated into one integral piece [with a central part] covered by the rear face.
19. Suitcase according to claim [1] 15 wherein the incurvated form of the lower part or shell is imposed by the curved extremity of the tubes, the incurvated form of the upper part or shell being imposed by the lateral retaining rings, such being preferably metallic retaining rings, provided in the form of two lateral frames defining the lateral faces in flexible material.
20. Suitcase according to claim [1] 15 wherein the upper and lower parts are in the form of a polyethylene sheet or plate.

21. Suitcase according to claim [1] 15 wherein the sheet constituting the upper part or shell does not support at least a front part of the upper face of the suitcase.

22. Suitcase according to the preceding claim characterized in that a zip fastener opening, for example an opening zipper provided on the front face of the suitcase, extends up to at least the aforesaid front part, preferably between 10% and 50% [, more preferably 15 to 40%,] of its surface, enabling a partial opening of the upper face.

23. Suitcase according to claim [3] 17 in which the shell or part is attached by riveting, to the exterior of the incurvated extremities of the tubes.

24. Assembly of suitcases according to claim [1] 15 provided with wheels, of different dimensions constituting a set of suitcases being able to be disposed head to foot one in the other.

25. Assembly according to the preceding claim in which there are more than 5 vertical suitcases being able to be [stacked head to foot] nested one in the other.

**REMARKS**

Claims 15 through 25 continue to be in the case. Claims 15 through 25 are being amended.

**Drawings**

The Office Action refers to the drawings and states that:

1. The drawings stand objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plate in claim 15, the central part in claim 18, and the stacking of five suitcases in claim 25 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Applicant is presently working on providing a modified drawing and it is planned to file the modified drawing promptly in connection with a supplemental amendment.

**Claim Rejections - 35 USC § 112**

The Office Action refers to Claim Rejections - 35 USC § 112 and states that:

3. *Claims 12-25 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

*The term "aforesaid" should be changed to --said--.*

*In claim 1, the recitation "front face able to be opened or provided with an opening" is confusing. The front face of the luggage has an opening covered by a flap or a panel. The flap or panel can be opened by a closing means. It is unclear what is intended by the recitation.*

*In claim 1, it is unclear what element is defined by "a plate".*

*In claim 1, the recitation "molded piece... incurvated form" is confusing.*

*Claims 16-25 are dependent on the canceled claim 1.*

*Regarding claim 18, it is unclear what is referred by "a central part".*

*Regarding claim 25, it is unclear whether the suitcases are meant to be stacked against each other. The disclosure shows the suitcases are nested in one another.*

*Regarding claim 22, a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. In the present instance, claim 22 recites the broad recitation 10%-50%, and the claim also recites 15%-40%, which is the narrower statement of the range/limitation.*

Applicant is correcting the claims in the present amendment to obviate the rejection.

***Claim Rejections - 35 USC § 102***

The Office Action refers to Claim Rejections - 35 USC § 102 and states that:

*5. Claims 15, 16, and 18-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Van Himbeeck. Van Himbeeck teaches a suitcase having two tubes at portions 128 and 160, an opening, and a molded portion having two curved plates 32 and 34. Van Himbeeck teaches retaining rings 166 as*

*shown in Fig. 11. Regarding claim 21, at least the edge of the front portion is not supported by the upper portion of the suitcase as claimed.*

The rejection is respectfully traversed. Claim 15 requires a presence of tubes. The reference Van Himbeeck however teaches in Fig. 15 and column 8, lines 10-20 that rigidification is achieved by two channels 128 (not tubes) formed in a relatively rigid panel 124 (column e, line 20). This panel of the reference is a rigid frame member. The channels are integrated into the panel 124 and could not exist without it. This is best shown in the upper part of Fig. 15 of the reference.

Furthermore, applicant respectfully submits that element 166 of the Van Himbeeck reference is not a retaining ring contrary to the allegation in the Office Action. In Fig. 11 of the Van Himbeeck reference a rod 166 is positioned within a panel 51 (see column 9 line 61), which can be opened by a zipper.



In the context of the present application, the term "retaining ring" means retaining the supple material textile of the different faces of the luggage.

***Claim Rejections - 35 USC § 103***

The Office Action refers to Claim Rejections - 35 USC § 103 and states that:

7. *Claims 15, 16, 18, and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of either Kish, Jr. or Kotkins. Lin teaches a suitcase having two tubes at portions 72 and 74, an opening, and a molded portion having two curved plates 20 and 22. Lin meets all claimed limitations except for the retaining elastic rings. Either Kish, Jr. or Kotkins teaches that it is known in the art to provide retaining elastic rings 92 and 35 respectively. It would have been obvious to one of ordinary skill in the art to provide retaining rings in Lin as taught by either Kish, Jr. or Kotkins to keep the panels together.*

The rejection is respectfully traversed.

The retaining rings according to the present invention are not furnished "to keep the panels together" as assumed by the Examiner. The retaining rings are to provide only a shape to the supple materials "wrapping" the structure according to the present application.

The reference Lin teaches a rigid frame (18, 20, 22) with panels 12 and 14. Only the closure member 28 is soft. The reference Lin does not "meet all claimed limitations except for the retaining elastic rings." The reference Lin is not "without a rigid frame" and the lateral faces are not each made of supple material.

Furthermore neither one of the references Kish or Kotchins teach an "elastic retaining ring" in contrast to the allegation of the Office Action.

The reference Kish teaches that welts 92 and 93 are plastic extrusion members with a

particular cross-section, which serve as a binding (not retaining) arrangement between panels 16 (part of a frame 10) and side walls 90 and 91.

The reference Kotchins describes a plastic edge binding strip 35, U-shaped or channeled in cross section (column 3, lines 11-13). This strip is also "binding" different panels, not retaining a supple structure. Panels 10e-10e' of the reference Kotchins are rigid plastic molding with peripheral channels (column 2, lines 30-34).

None of the combinations of the above documents proposed in the Office Action would lead to the invention as asserted in applicant's claims. The references recited in the Office action are more limited in their teaching as compared with what the Office Action tries to derive there from.

The Office Action continues:

8. *Claims 15-18, 20, and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Myers (DE19525571) in view of either Kish, Jr. or*

*Kotkins. Myers teaches a suitcase having two tubes 108, an opening, and a molded portion having two curved plates 80'. Myers meets all claimed limitations except for the retaining elastic rings. Either Kish, Jr. or Kotkins teaches that it is known in the art to provide retaining elastic rings 92 and 35 respectively. It would have been obvious to one of ordinary skill in the art to provide retaining rings in Myers as taught by either Kish, Jr. or Kotkins to keep the panels together.*

*Regarding claim 21, portions 98 and 72 are the upper and lower portions as claimed, and portion 98 does not support at least a front part of the upper face of the suitcase.*

This point of the Office Action is directed to a similar combination starting however from the reference Myers. Again the Office Action alleges that Myers does not "meet all claimed limitations except for the retaining elastic rings." Applicant observes however that according to the reference Myers only the opening face is made of supple material. Two tubes 108 according to Myers are joining a supporting lower surface portion and an

upper surface portion and serve to rigidify the suitcase, in combination with two side panels (Platten 66, column 8 lines 20-25).

In clear contrast, it is a feature of the claims of the present patent application, that the sides are made of supple materials with only an elastic retaining ring, thereby affording elastic deformation of the side faces.

The lack of relevance of the references Kish or Kotkins with respect to the claims of the present applicant have already been demonstrated in connection with point 7.

None of the combinations of the above documents as proposed in the Office Action would lead to the structure claimed in the present application.

The Office Action further continues:

*9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Himbeeck in view of King. Van Himbeeck meets all claimed limitations except for the parts are attached by rivets. King teaches that it is known in the art to attach parts of a luggage by rivets. It would have been obvious to one of ordinary skill in the art to attach parts of a luggage by rivets in Van Himbeeck as taught by King to fasten the parts easily.*

Applicant urges that these claims are patentable in view of the structure claimed in the claims they are depending on.

There is further stated in the Office Action:

10. *Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Myers in view of Dresner (2,362,807). Van Himbeeck meets all claimed limitations except for the two suitcases being disposed in one another. Dresner teaches that it is known in the art to provide two suitcases that are disposed in one another. It would have been obvious to one of ordinary skill in the art to provide two suitcases in Van Himbeeck as taught by Dresner to carry them easily.*

Claim 25 is now being amended to claim a nested structure in contrast to what is shown in the references applied.

The Office Action states:

11. *Claim 25 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Myers in view of Thompson et al. (4,813,342). Van Himbeeck meets all claimed limitations except for the stacking of at least 5 suitcases. Thompson*

*teaches that it is known in the art to provide a plurality of suitcases that are stacked together. It would have been obvious to one of ordinary skill in the art to provide at least 5 suitcases in Van Himbeeck as taught by Dresner to carry them easily.*

The claim 25 has been amended to require now a nested structure.

Applicant submits that the prior art made of record neither anticipates nor renders obvious the present invention.

Reconsideration of all outstanding rejections is respectfully requested.

If the Examiner should not be able to find a certain element of Applicant's claims in a search of the state of the art and such element is deemed by the Examiner to be necessary for forming a basis for a rejection, then the Examiner is invited to inform the Applicant of such element in order to allow the Applicant to fully meet their disclosure requirement in view of innumerable and hypothetical possibilities of combining references to allege obviousness of individual claims. In particular, in view of different levels of familiarity of inventors with the information disclosure requirements of the

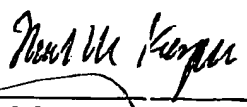
United States Patent and Trademark Office developed in recent years and apparently still developing, which disclosure requirements are believed to be unique in the world, any help and suggestions regarding possible problems seen by the Examiner are welcome.

All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,

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